

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KESHIA LOU HAUGHTON,
Plaintiff,

- against -

22-cv-8886 (JGK)

FRESH DIRECT LLC,
Defendant.

ORDER

JOHN G. KOELTL, District Judge:

On January 24, 2023, the Court extended until February 23, 2023, the time for the pro se plaintiff to serve the summons and complaint on the defendant. ECF No. 4. On February 21, 2023, the plaintiff mailed the Court a copy of an email in which she represents that on October 19, 2022, she gave the original summons to an HR employee at a Fresh Direct campus in The Bronx, New York. ECF No. 5 at 1. The plaintiff also enclosed an email that she attempted to send to "planthr@freshdirect.com" on October 20, 2022, advising that the plaintiff had given the summons to "Carol from the HR department" the day before. Id. at 2.

The Federal Rules of Civil Procedure lay out specific rules for service of process in a federal case. Among other things, "[a]ny person who is at least 18 years old and not a party [to the case] may serve a summons and complaint," but the plaintiff herself may not serve the summons and complaint. Fed. R. Civ. P. 4(c)(2). Additionally, for a corporate defendant like Fresh


Direct, generally only an officer or agent of the company who is authorized to receive service of process may be served. Fed. R. Civ. P. 4(h)(1)(B). The plaintiff must then prove to the Court, typically through an affidavit by the server, that the defendant has been properly served. Fed. R. Civ. P. 4(l).

The Court appreciates the plaintiff's efforts to serve the defendant, especially without the help of an attorney. However, it does not appear that the defendant has been properly served yet. Therefore, the Court will extend the time for the plaintiff to serve the summons and complaint on the defendant to **March 17, 2023**. The Clerk is directed to issue a new summons. For assistance in serving the defendant, the Court advises the plaintiff to contact the New York Legal Assistance Group ("NYLAG"), an organization that provides free civil legal services to individuals in the New York City area. An informational flyer regarding NYLAG is attached to this Order. The plaintiff should advise the Court if she needs more time to comply with the new deadline for any reason.

The Clerk is directed to mail a copy of this Order to the plaintiff and to note service on the docket.

SO ORDERED.

**Dated: New York, New York
February 24, 2023**



John G. Koeltl
United States District Judge

Notice For **Pro Se Litigants**

As a public health precaution, the New York Legal Assistance Group's Legal Clinic for Pro Se Litigants has temporarily suspended all in-person client meetings as of Tuesday, March 17, 2020.

Limited scope legal assistance will continue to be provided, but only by appointment and only over the phone. During this time, we cannot assist walk-in visitors to the clinic.

If you need the assistance of the clinic, please call 212-659-6190 and leave a message, including your telephone number, and someone will get back to you as soon as possible. If you do not leave a message with your telephone number, we cannot call you back.

Please be patient because our responses to your messages may be delayed while we transition to phone appointments.

NYLAG

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